

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

SCOTT L. CAMPBELL

RECEIVED
DEC 2 1994
Department of Water Resources

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

December 1, 1994

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Confirmation of Accounting for Refill of Irrigation Storage Space in Cascade and Deadwood Reservoirs

Dear Keith:

I am writing on behalf of my client, the Payette River Water Users Association, Inc. The Association is an umbrella organization whose membership consists of 21 major water delivery organizations and individuals diverting water from the Payette River Water System, pursuant to established water rights.

The purpose of this correspondence is to request confirmation and clarification of the position of the Idaho Department of Water Resources concerning accounting for refill of irrigation storage space in Cascade and Deadwood Reservoirs. You will recall that this topic was the subject of substantial discussion at the meeting conducted on July 29, 1994, at the Central Office of the Department. During that meeting, after considerable discussion by the various participants, you expressed agreement with the position presented by Mr. Duane Van Leuven. He expressed that the accounting of refill storage space should be based upon the percentage of refill accrual which is proportionately allocated to the percentage of space in the reservoir which is actively used for irrigation purposes. This type of accounting system would correct the inequities of the present system which unfairly benefits the Bureau of Reclamation by providing a credit for the 300,000 acre feet of space in Cascade Reservoir for the minimum pool.

Mr. R. Keith Higginson
December 1, 1994
Page 2

Since the 1995 water storage year has started, it is important for my clients that final resolution and clarification of this issue be accomplished as soon as possible. If you determine that an additional meeting to discuss this issue is required, we will make ourselves available at any reasonable time and location. Please contact me if you have any questions. I look forward to hearing from you.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

SLC:ma

cc: Mr. Norman C. Young
Mr. David R. Tuthill, Jr.
State of Idaho Department of Water Resources

Ms. Helen Bivens
Secretary - Treasurer, Payette Water Users Association, Inc.

Mr. Jerrold Gregg
U.S. Bureau of Reclamation

Mr. Terry Scanlan
Mr. Keith Anderson